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APR 1 3 2005
PATENT & TRADEMARK OFFICE

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**Attorney Docket 82715RLO**
**Customer No. 01333**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Steven M. Belz et al.

SYSTEM INCLUDING A DIGITAL CAMERA AND A DOCKING UNIT FOR COUPLING TO THE INTERNET

Serial No. US 10/017,809

Filed November 30, 2001

Group Art Unit: 2612
Examiner: Chriss S. Yoder, III

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Teresa M. Hamlin

Teresa M. Hamlin

April 11, 2005
Date

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

**TRANSMITTAL LETTER**

Submitted herewith is the following document relating to the above-identified patent application:

(1) Reply Brief.

There is no additional fee due in conjunction with the response. In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Eastman Kodak Company Deposit Account No. 05-0225** as required to correct the error.

Respectfully submitted,

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## REPLY BRIEF

This Reply Brief is submitted in response to the Examiner's Answer dated February 9, 2005 in the above-referenced application.

## ARGUMENT

The Examiner in the Answer at pages 11-17 addresses the arguments raised by Applicants in their Supplemental Appeal Brief filed October 22, 2004. The Examiner organizes the response into Sections A through I. In these sections, the Examiner disagrees with various arguments raised in the Supplemental Appeal Brief. Applicants believe that the points raised by the Examiner are refuted by the arguments presented in the Supplemental Appeal Brief, and in view of the additional arguments presented below relating generally to Sections A, B, C, D, G, H and I.

With regard to Sections A through D on pages 11-13, the Examiner argues in Section B that Safai does not teach away from the limitations of claim 1

because Safai "is actually non specific and does not state whether the resolutions have to be the same or different for uploading and downloading." Applicants respectfully submit that this is in fact a teaching away from the claim limitation which explicitly specifies that images transferred from a service provider to the camera via the docking unit have a smaller image size than captured images transferred from the camera to the service provider via the docking unit. Since the teachings in column 15, lines 33-41, of Safai indicate that there is no distinction in resolution between pictures uploaded from the camera or downloaded to the camera in their FIG. 6 image transport system, Safai teaches away from having a requirement of the type recited in the claim. Although Safai does not teach the use of the exact opposite requirement, that is, images transferred from a service provider to a camera having a larger image size than images transferred from the camera to the service provider, it nonetheless indicates that a requirement of the type recited in the claim is not present in the FIG. 6 system, and hence teaches away from configuring the system to include the corresponding limitation.

Given this teaching away in the Safai reference, it is not readily apparent how the Tanaka reference can be applied in the manner asserted by the Examiner in Sections A, C and D without relying upon the teachings of the present application. As outlined in the Supplemental Appeal Brief, Tanaka itself teaches away from the limitation at issue in that it teaches that the sizes of images to be transferred are determined based on characteristics of the particular receiving device. See Tanaka at, for example, column 11, lines 11-20. Such teachings are contrary to the proposed inclusion in the combined Safai and Tanaka system of a requirement of the type recited in the claim.

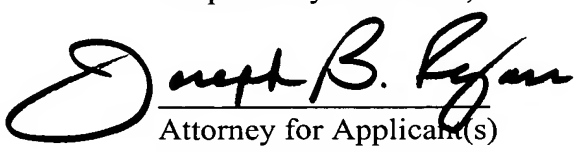
The alleged motivation for modification of Safai and Tanaka, that is, the statement at column 5, lines 12-13, of Tanaka which states that "[t]he difference in the number of pixels makes it possible to more quickly transmit the image," would appear to argue that the smallest image size possible should be used <u>both for transfer from camera to service provider and for transfer from service provider to camera</u>. Again, this is contrary to the limitation at issue.

With regard to Section G, the Examiner relies on U.S. Patent No. 6,812,962 to Fredlund et al. However, the Fredlund et al. reference is commonly assigned with the present application, and is not available as a prior art reference against the present application in the context of a §103(a) rejection. The present application was filed November 30, 2001, prior to issuance of Fredlund et al. on November 2, 2004. Also, the subject matter of Fredlund et al. and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person, namely, Eastman Kodak Company. Thus, in accordance with §103(c), Fredlund et al. cannot be applied, as the Examiner has attempted to do, in a §103(a) rejection of any claim of the present application.

With regard to Sections H and I, the Examiner acknowledges that Safai fails to teach or suggest the limitations of claims 5 and 12 regarding a service provider storing a plurality of user accounts, with each user account identifying particular content categories previously selected by a particular user, and content information corresponding to the plurality of content categories. However, Applicants believe that Safai is actually teaching away from the limitation in question. This is apparent from column 15, lines 28-45, wherein it is specifically recited that a camera owner is entitled to store only "a fixed number of photos," and without selectable content categories. The Examiner further relies on page 5, paragraph [0075], of Sato as allegedly supplying the missing teachings. However, the relied-upon passage does not teach or suggest a plurality of user accounts, with each user account identifying particular content categories previously selected by a particular user.

For the reasons identified above and in the Supplemental Appeal Brief, Applicants respectfully submit that the §103(a) rejections are improper and should be withdrawn.

Respectfully submitted,



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